

DISTRICT COURT JUDGE BENJAMIN H. SETTLE  
MAGISTRATE JUDGE KAREN L. STROMBOM

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

THOMAS W.S. RICHEY,

Plaintiff,

v.

D. DAHNE,

Defendant.

NO. 3:12-CV-05060-BHS-KLS

DEFENDANT'S RESPONSE TO  
PLAINTIFF'S MOTION TO  
POSTPONE EVIDENTIARY  
HEARING

Defendant, DENNIS DAHNE, by and through his attorneys of record, ROBERT W. FERGUSON, Attorney General, and HALEY BEACH, Assistant Attorney General, respectfully responds to Plaintiff's Motion to Postpone Evidentiary Hearing, ECF No. 126. Defendant does not oppose this continuance request.

In light of Defendant's non-opposition to Plaintiff's request, Defendant does not respond in detail to Plaintiff's allegations, but Defendant can attempt to provide additional information if the Court deems it necessary. On September 16, 2019, Plaintiff transferred from the Monroe Correctional Complex to the Washington Corrections Center, apparently as the first step in his transfer to the Airway Heights Corrections Center (AHCC). Defendant has no knowledge or information as to the specific date on which Plaintiff will transfer to AHCC, and such information is generally not widely shared for security reasons. Defendant does not at this time have any specific information as to what property Plaintiff has available

1 to him, though Department Policy 440.020, Transport of Property<sup>1</sup>, provides that legal  
 2 documents needed to meet a court-imposed deadline, such as the October 17, 2019  
 3 evidentiary hearing, will be transported with the incarcerated individual. It also appears,  
 4 based on filings in this matter, that Plaintiff has had a fair amount of legal access in recent  
 5 weeks.

6 However, in the interest of conserving judicial resources and promoting efficiency,  
 7 Defendant does not object to a 60-day postponement of the evidentiary hearing in this matter,  
 8 subject to the Court's discretion and availability. Defendant also requests that the Court issue  
 9 a scheduling order if it would like the parties to submit anything to the Court prior to the  
 10 hearing.

11 RESPECTFULLY SUBMITTED this 30th day of September, 2019.

12 ROBERT W. FERGUSON  
 13 Attorney General

14 s/ Haley Beach  
 15 HALEY BEACH, WSBA #44731  
 16 Assistant Attorney General  
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<sup>1</sup> Available at <https://www.doc.wa.gov/information/policies/default.aspx?show=400>.

**CERTIFICATE OF SERVICE**

I certify that on the date below I caused to be electronically filed the DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO POSTPONE EVIDENTIARY HEARING with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed a copy of the document through United States Postal Service to the following non CM/ECF participant:

THOMAS W.S. RICHEY, DOC #929444  
WASHINGTON CORRECTIONS CENTER  
PO BOX 900  
SHELTON WA 98584

[docwccinmatefederal@doc1.wa.gov](mailto:docwccinmatefederal@doc1.wa.gov)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 30th day of September, 2019, at Olympia, Washington.

s/ Cherrie Melby  
CHERRIE MELBY  
Legal Assistant 4  
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